



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

April 4, 2003

Mr. Michael Schoch
Manager, Regulatory/Environmental/Safety
Hilcorp Energy Company
P. O. Box 61229
Houston, Texas 77208-1229

Re: Expedited Spill Settlement Agreement - Final Order
Docket No. **CWA-06-2003-4523**
Hilcorp Energy Company
Tank Battery No. 2 Heater Treater
Duck Lake Oil Field, St. Martin Parish, Louisiana

Dear Mr. Schoch:

Enclosed for your records is a copy of the fully executed Complaint and Expedited Settlement Agreement for the oil spill-related violations found at Hilcorp Energy Company Tank Battery No. 2 Heater Treater in the Duck Lake Oil Field, St. Martin Parish, Louisiana.

If you have any questions regarding this matter, please do not hesitate to call me. I may be reached in Dallas at (214) 665-8376.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Roberto L. Bernier".

Roberto L. Bernier
Response and Prevention Branch

Enclosure

9689303



NAME James L. Graham, Jr.
PHONE (214) 665-2296
DATE April 4, 2003

1. Oeca (Enforcement) Docket Number 06- - - - -
2. Court Docket/Program docket/Regional Hearing Clerk administrative Number CWA-06-2003-4523
3. Case Name Hilcorp Energy Company

22. (A) Quantitative Environmental Impact Of Actions Described In Item #20

REDUCTIONS/ELIMINATIONS:

Pollutant	Pollutant Code/ICAS #	Amount	Units	(Percent)	Media
				(%)	
				(%)	
				(%)	
				(%)	
				(%)	
				(%)	
				(%)	

REPORTED INFORMATION:

Pollutant	Pollutant Code/CAS #	Amount	Units	(Percent)	Media
Crude Oil	8002059	5	Bbls	(%)	Water
				(%)	
				(%)	
				(%)	
				(%)	
				(%)	

22.(B) Qualitative Environmental Impact Of Actions Listed In Item #20. Select One Or More Of The Following Observed or Predicted Benefits:

Human Health Protection: Actual ☐ Potential ☒ Reductions Beyond Compliance Requirements ☐
 Worker Protection: Actual ☐ Potential ☐ Increased Public Awareness ☐
 Ecosystem Protection: Actual ☐ Potential ☒ Increased Federal/State/Local govt. Knowledge ☐
 Environmental Restoration/Land Use: ☐ Other (please describe)

C. SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP) INFORMATION.

23. Categories of SEP(S). Check All Appropriate Categories: If No Proceed To #28).

- ☐ (a) Public Health
☐ (b) Pollution Prevention:
 ☐ (1) Equipment/Technology Modifications
 ☐ (2) Process/Procedure Modification
 ☐ (3) Product Reformulation/Design
 ☐ (4) Raw Materials Substitution
 ☐ (5) Improved Housekeeping/O&M/Training/Inventory -control
 ☐ (6) In-Process Recycling
 ☐ (7) Energy Efficiency/Conservation
☐ (c) Pollution Reduction
☐ (d) Environmental Restoration And Protection
☐ (e) Assessments And Audits
☐ (f) Environmental Compliance Promotion
☐ (g) Emergency Planning And Preparedness
☐ (h) Other SEP Category (Specify)

24. SEP Description

25. Cost of SEP. Cost Calculated By the Project Model Is Preferred. \$

26. Is Environmental Justice Addressed By SEP? ☐ Yes ☐ No

27. (a) Quantitative Environmental Impact of SEP; Pollutants and/or Chemicals and /or Waste-Streams, And Amount Of Reductions/ Eliminations (e.g., Emissions/Discharges)

Pollutant	Pollutant Code/CAS	Amount	Units	(Percent)	Media
				(%)	
				(%)	
				(%)	
				(%)	
				(%)	

(b) Qualitative Environmental Impact Of SEP. Select One Or More Of The Following Predicted Benefits:

Human Health Protection: Actual ☐ Potential ☐
 Worker Protection: Actual ☐ Potential ☐
 Ecosystem Protection: Actual ☐ Potential ☐
 Environmental restoration: ☐ Increased Public Awareness: ☐ Increased federal/State/Local govt. Knowledge: ☐
 Other (please describe)

D. PENALTY (If There Is No Penalty, Enter 0 And Proceed To #30)

28(a). Assessed Penalty \$ 500.00
28(b). (If Shared) Federal Share \$ _____
28(c). (If Shared) State or Local Share \$ _____
29. For Multi-Media Actions, Federal Amounts By Statute : CWA: \$ _____ CAA: \$ _____ RCRA: \$ _____
TSCA: \$ _____ FIFRA: \$ _____ EPCRA: \$ _____ SDWA: \$ _____ TOTAL: \$ _____
o

E. COST RECOVERY

30. Amount Cost Recovery Awarded: EPA \$ _____ State And/Or Local Government \$ _____

F. DISCLOSURE POLICY INFORMATION

32. Voluntary Self-Disclosure Policy Considered (Y/N) No
33. Date Violation Disclosed: / / Comments _____
34. Disclosure Under Audit Policy? (Y/N) _____ SBREFA ? (Y/N) _____
35. SIC Code: _____ And/Or NAICS Code: _____
36. Disclosure Under EPA's Small Business Policy (Less Than 100 Employees) (Y/N) _____
37. Disclosure referred by Another Office (Y/N) _____ Office: _____
38. Disclosure Part Of Media/Sector Initiative (Y/N) _____ Initiative: _____
39. Number Of Facilities Associated With This Disclosure: _____

40. Outstanding issues (Y/N) _____

41. PENALTY INFORMATION:

(A) Penalty Calculation Before Mitigation: \$ _____
(B) Number And Amount Of Gravity-Based Penalty Waived: number: _____ \$ _____
(C) Gravity-Based Penalty Assessed: \$ _____
(D) Economic Benefit Assessed: \$ _____

42. Rationale For Not Applying Disclosure Policy:

A. No Violation Found: _____
B. Lack Of Prompt Disclosure: _____
C. Investigation Or Enforcement Preceded Disclosure: _____
D. Discovery Not Voluntary: _____
E. Violation Not Corrected Expeditiously: _____
F. Cooperation Insufficient: _____
G. Repeat Violations Within Past 3 years: _____
H. Consent Agreement Violated: _____
I. Federal Facility That Would Be Liable For A Penalty: _____
J. Actual Serious Harm Or Imminent & Substantial Endangerment: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6, 1445 ROSS AVENUE, DALLAS, TEXAS 75202-2733

EXPEDITED SPILL SETTLEMENT AGREEMENT

DOCKET NO. CWA-06-2003-4523

On August 8, 2002

Time _____

At: Hilcorp, Duck Lake Oil & Gas Field, Tank Battery No. 2, Heater Treater, St. Martin Parish, Louisiana

(Respondent) discharged 5 barrels of oil in violation of Section 311(b)(3) of the Clean Water Act (the Act), as noted on the attached FINDINGS and ALLEGED CIVIL VIOLATIONS FORM (Form), which is hereby incorporated by reference.

The parties are authorized to enter into this Expedited Settlement under the authority vested in the Administrator of EPA by Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), as amended by the Oil Pollution Act of 1990, and by 40 CFR § 22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of \$ 500.00.

This settlement is subject to the following terms and conditions:

EPA finds the Respondent's conduct is subject to the discharge prohibition of Section 311(b)(3) of the Act, as described in that statute and further described by 40 CFR § 110.3. The Respondent admits he/she is subject to Section 311(b)(3) and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Findings, and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has investigated the cause of the spill, it has cleaned up the spill pursuant to the federal requirements, and it has taken corrective actions that will prevent future spills. The Respondent also verifies that it has sent a certified check for \$ 500.00 payable to the "Oil Spill Liability Trust Fund" to: "OPA Enforcement Coordinator, U. S. Environmental Protection Agency, Region 6 (6SF-R), 1445 Ross Avenue, Dallas, Texas 75202-2733." Respondent has noted on the penalty payment check "EPA" and the docket number of this case, "CWA-06-2003-4523."

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

If the Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form.

After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the violations of Section 311(b)(3) of the Act described in the Form. However, EPA does not waive any rights to take any

enforcement action for any other past, present, or future violations by the Respondent of Section 311(b)(3) of the Act or of any other federal statute or regulation. By its first signature, EPA ratifies the Findings and Alleged Violations set forth in the Form.

This Expedited Settlement is binding on the parties signing below, and is effective upon the Superfund Division Director's signature.

APPROVED BY EPA:

James L. Knudson Date: 2/4/03
Charles A. Gazda
Chief, Response and Prevention Branch
Superfund Division

APPROVED BY RESPONDENT:

Name (print): Michael Schoch
Title (print): REG / ENU / SAFETY MGR
Michael Schoch Date: 2/18/03
Signature

IT IS SO ORDERED:

James L. Knudson Date: 3/19/03
Myron O. Knudson, P.E.
Director
Superfund Division

ORREV.11/18/99 R6REV 5/10/01; 9/19/01;11/8/01;2/12/02

REGIONAL HEARING CLERK
EPA REGION VI
MAR 20 2003
AM 9:20

FILED

**CONCURRENCE ROUTING
EXPEDITED SPILL ENFORCEMENT PROGRAM**

TYPE OF ACTION: Expedited Spill Settlement Agreement - Final Order

RESPONDENT: Hilcorp Energy Company
St. Martin Parish, Louisiana

Docket No.: CWA-06-2003-4523

(6SF-R) for James L. Graham RB 3/19

(6SF-R) Charles A. Gazda GA 3/19

(6SF) Myron O. Knudson JK 3/19

Return to:
Robert F. Jones (6SF-RO) HEJ

Hilcorp
St. Martin Ph. Co.

5 bbls

\$500⁰⁰ ESA

AB
1/10